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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20822 of 2022

Ranjith

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
(Crime No.1698/2021).

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R L, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

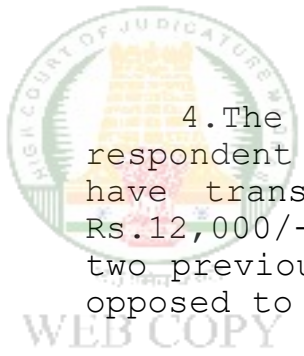
For Bail in Crime No.1698/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 14.11.2022 for the offences punishable under Section 379 of IPC and Section 21(1) of MMDR Act, in Crime No.1698 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 1 ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A1 and A2 were already arrested and released on bail and A4 were already granted anticipatory bail. The petitioner is in judicial custody from 14.11.2022. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for bail.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the petitioner and other accused have transported 1 ½ unit of river sand illegally worth about Rs.12,000/-. He would further submit that the petitioner is having two previous cases, which are similar in nature. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the co-accused were already granted bail and anticipatory bail, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

24/11/2022

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24/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE HEAD MISTRESS,
MDU EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI,
MADURAI.

ORDER

IN

CRL OP(MD) No.20822 of 2022

Date :24/11/2022

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RS/SSS/SAR.(24.11.2022) 3P-7C